

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 05-CR-73

MICHAEL J. RILEY,

Defendant.

STATEMENT RE: SENTENCING

The presentence report (PSR) prepared in connection with this matter contains the following guidelines calculations: a total offense level of 31, a criminal history category of V, and a guideline imprisonment range of 168 to 210 months. PSR ¶ 94. The parties are in agreement with these calculations, with one exception. The defendant has filed an objection in which he argues that the criminal history point assigned in paragraph 43 of the PSR was assigned in error. According to the defendant, that juvenile conviction occurred too long ago to be countable under U.S.S.G. § 4A1.2. The government agrees with the defendant. As a result, the parties agree that the following guidelines calculations are applicable in this case:

Total offense level:	31
Criminal history category:	IV
Guideline imprisonment range:	151 to 188

Based on the defendant's substantial assistance, which will be further detailed at the sentencing hearing, the government will move for a four-level downward departure. The

effect will be to reduce the defendant's total offense level to 27 and his guideline imprisonment range to 100 to 125 months.

Respectfully submitted at Milwaukee, Wisconsin, this 7th day of March, 2006.

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